

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

4 FEBRUARY 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Christa Kuhn, employee in the Management Information Systems Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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In keeping with his plans to recognize "*Unsung Heroes*" among City employees, the City Manager recognized retired Greensboro Police dog, Bear, and his former partner and current owner, Police Corporal Brett Davis. The Manager noted Bear had recently received the 2002 Award for Canine Excellence in Law Enforcement (ACE) from The American Kennel Club. He reviewed Bear's extraordinary and unique accomplishments while serving as a member of the Police Department's K-9 Unit; City Manager Kitchen presented Bear with special *Team Greensboro* gifts from the City in appreciation of his dedicated service.

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Mayor Holliday stated Council had received a request from area residents to continue to the February 18, 2003 meeting of Council, Item #10 on the agenda, an ordinance rezoning property from General Office Moderate Intensity to Conditional Use-Highway Business for all uses in the HB District except: (1) restaurants with drive-thru services, (2) convenience stores with fuel pumps, (3) service stations, and (4) billboards; with various conditions for property located on the west side of Battleground Avenue south of Horse Pen Creek Road and east of Four Farms Road.

Steve Showfety, representing the applicant, stated they would support the request for a continuance if the public hearing and Council's consideration of the proposed ordinance would be held at the February 18 Council meeting. He stated the continuance would allow time for discussions among the interested parties.

Councilmember Gatten moved that the ordinance be continued to the February 18 meeting of Council without further advertising. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance adding properties to the Fisher Park Historic Overlay District for the property located at 904, 906, 908, 910, 912, 905-907 and 915 Olive Street; 200, 210 and 212 East Bessemer Avenue; and 1002 and 1004 Magnolia Street.

C. Thomas Martin, Planning Department Director, used maps to illustrate the properties, surrounding area and current zoning patterns. He noted this was an unusual overlay that didn't impact the zoning district.

Stephan-leigh Kuns, representing the Housing and Community Development Department's Historic District Program, used a map to illustrate the proposed Fisher Park Boundary amendments, spoke to the architectural styles and features that made these properties worthy of historical designation, and reviewed the process to recommend the inclusion of the 14 properties in the Overlay District.

The Mayor asked if anyone wished to be heard.

John R. Sopper, residing at 904 Olive Street, provided a brief history of the request, stated neighbors supported the proposal, and reiterated that the owners of property were anxious to be included in the Overlay District.

Eugenia Schwartz, residing at 422A Fisher Park Circle and President of the Fisher Park Neighborhood Association, stated these residents had requested that their properties be included the expansion of the Historic District and spoke in support of the ordinance.

Kimberly Madden, residing at 412 Crestland in the Westerwood Neighborhood, spoke briefly to the economic, social and environmental benefits of historic preservation and offered her support for this expansion of the overlay.

Marsh Prause, residing at 516 Woodlawn in the Westerwood Neighborhood, provided a brief history of the controversy involved with the creation of the Fisher Park Historic District; he spoke in favor of the ordinance.

There being no one else desiring to speak to this matter, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 5 – Addition to Fisher Park Historic District

The Planning Department recommends that this addition to the Fisher Park Historic Overlay District be approved.

The Historic Preservation Commission has recommended this addition and, at its December 18, 2002 meeting, the Planning Board unanimously recommended in favor of the request as well.

The request to include this area has the support of the majority of the property owners and the Fisher Park Neighborhood Association.

Housing and Community Development staff has conducted an updated study that has concluded that the 14 properties are deserving of local historic district status.

After brief discussion, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-26 AMENDING OFFICIAL ZONING MAP

904, 906, 908, 910, 912, 905-907 AND 915 OLIVE STREET; 200, 210 AND 212 EAST BESSEMER AVENUE; AND 1002 AND 1004 MAGNOLIA STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by the addition of properties to the Fisher Park Historic Overlay District for the area described as follows:

BEGINNING at a point in the southern right-of-way line of East Bessemer Avenue, said point being a common corner of Lot 1 and Lot 2, Guilford County Tax Map 25, Block 3; thence along said southern right-of-way line in a westerly direction 150.0 feet to a point in the intersection with the eastern right-of-way line of Olive Street; thence crossing Olive Street in a westerly direction 50 feet to a point in the intersection of the southern right-of-way line of East Bessemer Avenue and the western right-of-way line of Olive Street; thence continuing along said southern right-of-way line in a westerly direction 300.09 feet to a point in the intersection with the eastern right-of-way line of Magnolia Street; thence crossing Magnolia Street in a westerly direction 60 feet to a point in the intersection of the southern right-of-way line of East Bessemer Avenue and the western right-of-way line of Magnolia Street; thence along said western right-of-way line of Magnolia Street in a southerly direction 263.26 feet to a point; thence crossing Magnolia Street in an easterly direction 50 feet to a point, said point being the northwest corner of Lot 12, Guilford County Tax Map 25, Block 2; thence along the northern line of said Lot 12 and the northern line of Lot 11 in an easterly direction 112 feet to a point; thence continuing along the line of said Lot 11 in a northerly direction 11.37 feet to a point; thence continuing along the line of said Lot 11 in an easterly direction 40 feet to a point, said point being the northwest corner of Lot 10, Guilford County Tax Map 25, Block 2; thence along the northern lines of said Lot 10, Lot 9 and Lot 8 in an easterly direction 157.08 feet to a point in the western right-of-way line of Olive Street; thence crossing Olive Street in an easterly direction 50 feet to a point in the eastern right-of-way line, said point being the northwest corner of Lot 20, Guilford County Tax Map 25, Block 3; thence along the northern line of said Lot 20 and Lots 19, 18 and 17 in an easterly direction 150.0 feet to a point; thence along the line of said Lot 17 in a northerly direction 91 feet to point, said point being the southwest corner of Lot 2, Guilford County Tax Map 25, Block 3; thence along the line of said Lot 2 in a northerly direction 146.6 feet to the point and place of BEGINNING, containing 3.227 acres more or less, and being all of Lots 1, 21, 22, 23 and 24 of Guilford County Tax Map 25, Block 3 and all of Lots 1, 3, 4, 5, 6, 7, 13 and 14 of Guilford County Tax Map 25, Block 2.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits for property located north of new I-85 and east of and including Rehobeth Church Road—32.45 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-7 Residential Single Family for property located west of the terminus of Blazingwood Drive north of new Interstate 85, and an ordinance establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RM-8 Residential Multifamily for property located on the east side of Rehobeth Church Road north of new Interstate 85.

Mr. Martin provided maps to illustrate the property proposed for annexation and original zoning, stated these items had received favorable recommendations from the Planning Board and Zoning Commission, and provided slides of the property and surrounding area.

Mayor Holliday asked if anyone wished to be heard.

Scott Wallace, 305 Waycross Court, representing Keystone Properties, spoke to the company's work with City staff to ensure the zoning request was appropriate, advised a traffic impact study had not identified any additional needs, spoke to plans to widen Rehobeth Church Road, and noted development would be along the Urban Loop and would take place under City regulations.

There being no one else desiring to speak to these ordinances, Councilmember Vaughan moved to close the public hearing on the annexation and zoning items. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Items 7 & 8 – Rehobeth Church Road and Urban Loop

The Planning Department recommends that both of these original zoning proposals be approved.

The eastern portion of this tract which is proposed for RS-7 is west of and adjacent to the Fieldstone Subdivision which is also zoned RS-7.

The western portion of this tract which is proposed for RM-8 is across the street from CU-RM-8 zoning that became effective in April 2002 and abuts the Living Way Christian Fellowship church to the north.

The entire tract abuts the Urban Loop (new Interstate 85) to the south.

Therefore, staff feels that each of the proposals will be compatible with surrounding and nearby land uses and zoning classifications.

This tract lies within Scenic Corridor Overlay District 1 which requires that a 50-foot average width undisturbed buffer, supplemented with additional canopy or understory trees as necessary, be maintained along the Urban Loop.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits for property located north of new I-85 and east of and including Rehobeth Church Road. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-27 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED NORTH OF NEW I-85 AND EAST OF AND INCLUDING REHOBETH CHURCH ROAD – 32.45 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing city limits (as of December 31, 2002) of the City of Greensboro, said point being the southernmost corner of Lot 16 of Fieldstone, Section 2, as recorded in Plat Book 125, Page 2 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 31° 45' 22" W 15.92 feet to a point in the north line of that property acquired by the North Carolina Department of Transportation for the I-85 Greensboro Bypass; thence with the north line of said I-85 N 81° 32' 28" W 1,674.70 feet to a point; thence continuing with said north line N 81° 32' 28" W 126.69 feet to a point; thence continuing with said north line N 76° 58' 51" W 1,031.57 feet to a point; thence in a westerly direction, crossing Rehobeth Church Road, approximately 160 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: N 15° 50' 34" E 211.34 feet to a point on the western right-of-way line of Rehobeth Church Road and S 74° 09' 26" E 52.00 feet to a point on the western right-of-way line of Rehobeth Church Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in an easterly direction approximately 60 feet to a point on the eastern right-of-way line of Rehobeth Church Road; thence N 84° 10' 21" E approximately 710 feet along the south line of Maranatha Church, Inc. to a point in Maranatha Church's south line; thence N 20° 11' 43" E 9.63 feet along said south line to a point; thence S 85° 15' 50" E 216.63 feet along said south line to an existing stone at Maranatha Church's southeast corner; thence N 21° 40' 10" E 444.26 feet along Maranatha Church's east line to Maranatha Church's northeast corner; thence S 88° 41' 20" E 217.50 feet along the south line of Faith Wesleyan Church to an existing stone; thence S 58° 42' 14" E 961.67 feet to a point in the south line of Suzanne S. Leonard; thence S 69° 57' 33" E 602.81 feet to a point in the existing city

limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 01° 21' 47" W 331.91 feet to a point; thence S 72° 20' 04" E 99.53 feet to the point and place of BEGINNING, and containing approximately 32.45 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after April 30, 2003, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 2/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2003. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after April 30, 2003.

(Signed) Yvonne J. Johnson

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Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-7 Residential Single Family for property located west of the terminus of Blazingwood Drive north of new Interstate 85. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-28 AMENDING OFFICIAL ZONING MAP

WEST OF THE TERMINUS OF BLAZINGWOOD DRIVE NORTH OF NEW INTERSTATE 85

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RS-7 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the southern line of Lot 16 of Fieldstone Section 2 A.K.A Cobblestone as recorded in Plat Book 125, Page 2 in the Office of the Guilford County Register of Deeds; thence S31° 45' 22" W 15.92 feet to a point in the northern right-of-way line of new Interstate 85; thence along said northern right-of-way line N81° 32' 28" W 1674.70 feet to a point; thence leaving said northern right-of-way line N59° 44' 01" E 47.62 feet to a point; thence N59° 44' 39" E 463.00 feet to a point; thence N78° 50' 15" W 272.43 feet to a point; thence N59° 51' 20" W 100.53 feet to a point; thence N36° 04' 22" W 335.25 feet to a point; thence N21° 40' 10" E 224.71 feet to a point, said point being in the line of Faith Wesleyan Church as recorded in Deed Book 2425, Page 294; thence along the line of Faith Wesleyan Church S88° 41' 20" E 217.50 feet to a point, said point being a corner of Faith Wesleyan Church as recorded in Deed Book 3461, Page 761; thence along the line of Faith Wesleyan Church and the line of Patricia Leonard as recorded in Deed Book 3061, Page 664 S58° 42' 14" E 961.67 feet to a point in the line

of Suzanne S. Leonard as recorded in Deed Book 4745, Page 346; thence along the line of Suzanne S. Leonard, Judith Leonard Kiser et al. and Donald C. Leonard S69° 57' 33" E 602.81 feet to a point, said point being the northwest corner of Lot 18 of said Fieldstone Section 2; thence S01° 21' 47" W 331.91 feet to a point, said point being the southwest corner of Lot 17 of said Fieldstone Section 2; thence S72° 20' 04" E 99.53 feet to the point and place of BEGINNING, containing 20.561 acres and shown on Rezoning Exhibit Barefoot & Williams Property prepared by Borum, Wade and Associates, P.A. dated November 11, 2002.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

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Councilmember Carmany moved adoption of the ordinance establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RM-8 Residential Multifamily for property located on the east side of Rehobeth Church Road north of new Interstate 85. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-29 AMENDING OFFICIAL ZONING MAP

EAST SIDE OF REHOBETH CHURCH ROAD NORTH OF NEW INTERSTATE 85

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-30 Residential Single Family to City Zoning RM-8 Residential Multifamily uses for the area described as follows:

BEGINNING at a point in the line of Maranatha Church, Inc. as recorded in Deed Book 3163, Page 568 in the Office of the Guilford County Register of Deeds, said point being a common corner with NC Department of Transportation as recorded in Deed Book 4616, Page 617; thence along the line Maranatha Church, Inc. S84° 10' 21" E 651.84 feet to a point; thence N20° 11' 43" E 9.63 feet to a point; thence S85° 15' 50" E 216.63 feet to a point; thence N21° 40' 10" E 219.55 feet to a point; thence S36° 04' 22" E 335.25 feet to a point; thence S59° 51' 20" E 100.53 feet to a point; thence S78° 50' 15" E 272.43 feet to a point; thence S59° 44' 39" W 463.00 feet to a point; thence S59° 44' 01" W 47.62 feet to a point in the northern right-of-way line of new Interstate 85; thence along said northern right-of-way line N76° 58' 51" W 1031.57 feet to a point in the intersection with the eastern right-of-way line of Rehobeth Church Road; thence in a westerly direction, crossing Rehobeth Church Road, approximately 160 feet to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: N 15° 50' 34" E 211.34 feet to a point on the western right-of-way line of Rehobeth Church Road and S 74° 09' 26" E 52.00 feet to a point on the western right-of-way line of Rehobeth Church Road; THENCE DEPARTING FROM THE EXISTING CITY LIMITS in an easterly direction approximately 60 feet to a point on the eastern right-of-way line of Rehobeth Church Road; thence N 84° 10' 21" E approximately 60 feet to the point and place of BEGINNING, containing 11.001 acres exclusive of street right-of-way and shown on Rezoning Exhibit Barefoot & Williams Property prepared by Borum, Wade and Associates, P.A. dated November 11, 2002.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Sandy Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning property for Special Use Permit for a Refuse and Raw Material Transfer Point for municipal solid waste to be operated in accordance with North Carolina Solid Waste Rules governing in design and operation of the waste facility for property located on the northwest intersection of Burnt Poplar Road and east of Four Farms Road. The Mayor administered the oath to those individuals who wished to speak to this matter.

Mr. Martin presented the following staff presentation:

REQUEST - ITEM 9

This request is to obtain a Special Use Permit for a Refuse and Raw Material Transfer Point. The property is zoned Heavy Industrial and this zoning classification permits a Refuse and Raw Material Transfer Point with approval of a Special Use Permit.

SPECIAL USE CONDITIONS FOR THE REQUESTED SPECIAL USE PERMIT

- 1) Uses: The subject property is to be developed and utilized as a municipal solid waste transfer facility as defined by the North Carolina Solid Waste Management Rules [15A NCAC 13B, Section .0101(29)]; “a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.”
- 2) The facility shall be operated in accordance with the North Carolina Solid Waste Rules governing the design and operation of the waste facility [15A NCAC 13B, Sections .0401 and .0402].
- 3) As a minimum, the facility shall: (a) only operate in accordance with regulatory approved plan; (b) only accept waste for which it is approved; (c) manage water that comes into contact with the solid waste on-site or properly treat prior to permitted discharge; (d) maintain equipment for fire control; (e) apply effective vector control measures to control flies, rodents, and other insects or vermin; (f) provide equipment to maintain the facility in a sanitary condition; and (g) utilize appropriate methods to confine materials subject to be blown by wind within the area.
- 4) At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator.
- 5) In addition, the facility shall be secured (e.g. enclosed by fence, security lighting, security surveillance system).

DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING

This property consists of approximately 9.5 acres and is located at the northwest intersection of Burnt Poplar Road and Chimney Rock Road.

	<u>Zoning</u>	<u>Land Use</u>
Subject Property	HI	Vacant land
North	HI	Tank farm
East	HI	Tank farm
South	HI	Milan Express
West	HI	Vacant land

Mr. Martin stated that the Planning Department and Zoning Commission had recommended approval of the Special Use Permit; he thereupon presented slides of the property and surrounding area.

Mayor Holliday asked if anyone wished to speak to this matter.

Jeryl Covington, Environmental Services Department Director representing the City with regard to the requested zoning change, reviewed Council's charge to staff to develop waste disposal options to the White Street landfill; she detailed the presentation provided to Council with regard to a variety of waste management options that could be implemented, and the staff's identification of the proposed transfer station site at the December 11, 2002 Council work session. She noted that further discussion at the work session was held with regard to the fact that the White Street landfill would continue to manage the disposal operations of construction and demolition debris, land clearing and inert debris and composting in accordance with the regulatory guidelines as required by the North Carolina Department of Environment and Natural Resources-Waste Management Division. Ms. Covington stated that in addition to the primary factors for site identification, the Department considered compliance with current City of Greensboro standards for traffic study impacts, water quality protection and environmental concerns; she reviewed these three issues in detail.

Ms. Covington stated that the City of Greensboro proposed to develop the property located at 6310 Burnt Poplar Road as a municipal solid waste transfer station facility as defined by the North Carolina Solid Waste Management Rules; she added that the primary purpose of operation was to transfer waste from collection vehicles to tractor trailers for disposal outside of Guilford County.

Providing details with regard to the volume of Greensboro's waste stream, the operation of the proposed facility and examples of what an enclosed transfer station looked like, Ms. Covington requested the Council's support of the Special Use Permit for the property to secure a solution to the waste management and disposal concerns for the citizens of Greensboro.

(A copy of Ms. Covington's remarks is filed in Exhibit Drawer O, Exhibit Number 3, which is hereby referred to and made a part of these minutes.)

There being no additional speakers, Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 9 – Burnt Poplar Road – Chimney Rock Road

The Planning Department recommends that this Special Use Permit be approved.

This property is surrounded by Heavy Industrial zoning and, for the most part, is surrounded by petroleum tanks.

The site has good road access, featuring good sight distance and convenient access to the proposed Urban Loop.

The solid waste transfer facility will be operated in accordance with North Carolina Solid Waste Rules governing the design and operation of the facility and must operate in accordance with a regulatory approved plan.

Conditions in the application address issues relating to the maintenance of sanitary conditions, confinement and collection of materials, and security of the facility.

Council discussed with staff various issues with regard to the location of this facility at the proposed site; i.e., requirements for the location of a transfer site near an airport, details with regard to types and requirements for retention ponds, the existing roadway system and planned transportation improvements for the area, compatible land uses, etc.

Members of Council and the City Manager commended staff for their excellent work in following Council's directive to locate an appropriate site for this facility.

Councilmember Burroughs-White moved that the ordinance granting a Special Use Permit for use of this property for a Refuse and Raw Material Transfer Point be approved based on the following findings of fact:

- 1) The use will not materially endanger the public health or safety if located where proposed because there are no health or safety concerns inherent in the proposed use of the property for a Refuse and Raw Material Transfer Point on a tract that is surrounded by heavy industrial land uses.
- 2) That the use will meet the restriction(s) imposed by the applicant which state that the facility will be operated in accordance with North Carolina Solid Waste Management rules and shall operate only in accordance with the regulatory approved plan.
- 3) The use will not substantially injure the value of adjoining or abutting property because all surrounding property is presently zoned Heavy Industrial.
- 4) The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because the use of the property as a transfer station is compatible with adjacent and surrounding tank farm land uses.

The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-30 AMENDING OFFICIAL ZONING MAP AND AUTHORIZING ISSUANCE OF SPECIAL USE PERMIT

NORTHWEST INTERSECTION OF BURNT POPLAR ROAD AND CHIMNEY ROCK ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by the issuance of a Special Use Permit authorizing use of the property described below for a Refuse and Raw Material Transfer Point in a Heavy Industrial District (subject to those conditions and limitations as set forth in Section 2, 3, and 4 of this ordinance):

BEGINNING at a point in the western right-of-way line of Chimney Rock Road, said point being the southeast corner of APAC Carolina, Inc. (ACL 94-7029-929W-07); thence along said western right-of-way line S24° 56'50"W 710.63 feet to point; thence along a curve to the right a chord course and distance S59° 22'30"W 22.61 feet to a point in the northern right-of-way line of Burnt Poplar Road; thence along said northern right-of-way line N86° 12'W 387.83 feet to a point, said point being the southeast corner of Louis Dreyfus Energy Corporation (ACL 94-7029-960-06); thence along the line of Louis Dreyfus Energy Corporation N01° 39'30"E 861.90 feet to a point, said point being the southwest corner of said APAC Carolina, Inc.; thence along the line of said APAC Carolina, Inc. S75° 48'30"E 704.41 feet to the point and place of BEGINNING, containing 9.38 acres more or less.

Section 2. That the issuance of a Special Use Permit is hereby authorized subject to the following conditions:

- 1) Uses: The subject property is to be developed and utilized as a municipal solid waste transfer facility as defined by the North Carolina Solid Waste Management Rules [15A NCAC 13B, Section .0101(29)]; "a permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal."
- 2) The facility shall be operated in accordance with the North Carolina Solid Waste Rules governing the design and operation of the waste facility [15A NCAC 13B, Sections .0401 and .0402].
- 3) As a minimum, the facility shall: (a) only operate in accordance with regulatory approved plan; (b) only accept waste for which it is approved; (c) manage water that comes into contact with the solid waste on-site or properly treat prior to permitted discharge; (d) maintain equipment for fire control; (e) apply effective vector control measures to control flies, rodents, and other insects or

- vermin; (f) provide equipment to maintain the facility in a sanitary condition; and (g) utilize appropriate methods to confine materials subject to be blown by wind within the area.
- 4) At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator.
 - 5) In addition, the facility shall be secured (e.g. enclosed by fence, security lighting, security surveillance system).

Section 3. For use as a Refuse and Raw Material Transfer Point, this property will be perpetually bound and subject to the conditions imposed in Section 2, unless subsequently changed or amended, or until such time as this Special Use Permit shall expire or the permitted activity shall be discontinued, as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development to be made pursuant to this Special Use Permit shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations of, or failure to accept, any conditions and limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Claudette Burroughs-White

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The Mayor noted that earlier in the meeting Item #10, an ordinance rezoning property from General Office Moderate Intensity to Conditional Use-Highway Business for all uses in the HB District except: (1) restaurants with drive-thru services, (2) convenience stores with fuel pumps, (3) service stations, and (4) billboards; with various conditions for property located on the west side of Battleground Avenue south of Horse Pen Creek Road and east of Four Farms Road, had been continued to the February 18, 2003 meeting of Council.

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Exercising the prerogative of the Chair, Mayor Holliday advised that because he anticipated the public hearing for Item # 11 with regard to Chapter 30 amendments pertaining to stadiums would be lengthy, he stated Council would first take action with regard to Item #12.

Mayor Holliday stated that it was the time and place set for a public hearing to consider a resolution supporting the nomination of James B. Dudley High School and Gymnasium to the National Register of Historic Places.

Mike Cowhig, representing the Housing and Community Development Department, stated this public hearing provided an additional opportunity for citizen input with respect to this nomination. He presented slides of the school, explained the process that must be followed to receive historical designation for properties, and offered pictures of various historical properties in Greensboro; Mr. Cowhig stated that City staff believed the property met the criteria for historical importance and supported the nomination of the Dudley High School and Gymnasium.

Mayor Holliday asked if anyone wished to be heard.

Jo Ann E. Lynn, residing at 1303 Cartwright Drive, spoke to citizens' efforts to save Dudley High School, provided a history of the school and the contributions of its graduates, stated she believed this school was the heart of the Southeast Greensboro community, and requested Council to support the nomination.

Heather Seifert, Executive Director of Preservation Greensboro, 1013 North Elm Street, spoke to the organization's participation in the funding of this effort, provided historical information about the school, and stated they believed this property was a symbol of African-American heritage. She requested Council to support the nomination.

There being no one else desiring to speak to this matter, Councilmember Carmany moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

After brief comments, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

21-03 RESOLUTION SUPPORTING THE NOMINATION OF JAMES B. DUDLEY HIGH SCHOOL AND GYMNASIUM TO THE NATIONAL REGISTER OF HISTORIC PLACES

WHEREAS, the historic resource known as JAMES B. DUDLEY HIGH SCHOOL AND GYMNASIUM is under consideration for nomination to the National Register of Historic Places;

WHEREAS, the National Register is the nation's official list of historic buildings, districts, archaeological sites, and other resources worthy of preservation;

WHEREAS, James B. Dudley High School possesses local significance in the areas of education and ethnic heritage for its role in African American education in Greensboro in the early twentieth century; the Gymnasium possesses local significance in the area of architecture;

WHEREAS, the Greensboro Historic Preservation Commission, in accordance with its responsibility to review proposed National Register nominations under the Certified Local Government Program, has determined that the nomination meets the criteria for listing in the National Register of Historic Places;

WHEREAS, opportunity for public comment has been adequately provided.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Greensboro City Council, in recognizing the need to preserve properties and areas that embody important elements of the community's architectural and cultural heritage, hereby supports the nomination of James B. Dudley High School and Gymnasium to the National Register of Historic Places.

(Signed) Yvonne J. Johnson

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The Mayor declared a recess at 7:24 p.m.

The meeting re-convened at 7:41 p.m. with all members of Council present.

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Mayor Holliday stated that at a recent meeting, Council adopted a resolution authorizing City Attorney to institute proceedings to condemn portion of property of Carriage Crossing in connection with the Wagon Wheel Commons Project. Based on some members of Council's conversations with area residents with regard to this matter, he asked if any member of Council wished to make a motion to reconsider this issue. After brief discussion, the Manager explained that a member of Council who had voted on the prevailing side could offer a motion to reconsider this issue and direct staff to work with the developer and residents to work out a solution. Councilmember Gatten, a member of the prevailing side who voted for the condemnation, moved that Council reconsider the resolution and direct the staff as stated by the City Manager. The motion was seconded by Councilmember Phillips and adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

After brief discussion, Councilmember Gatten moved that this resolution be continued to the March 18 Council meeting. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development, with various amendments to Table 30-4-5-1 pertaining to stadiums.

The City Attorney reviewed the City of Greensboro Charter provisions which enabled the Petitioners' Committee for Downtown Neighborhoods to gather signatures for the initiative petition to request that Council adopt the proposed amendments to Chapter 30 of the City Code of the City of Greensboro. Stating that the petition has been certified by the Guilford County Board of Elections, City Attorney Miles explained the sections of the requested ordinance which would not permit a stadium to be built in the Central Business District.

After the Mayor reviewed the timeframe allowed for zoning issues, he asked if anyone wished to be heard.

The following citizens spoke in favor of the proposed ordinance:

Bob Guertin, residing at 205 North Park Drive, member of the petitioners' committee, detailed the work of the committee, offered his perception of the benefits the proposed changes in the ordinance would provide, and stated his opinion with regard to the number of citizens that supported the ban on a stadium vs. the stadium supporters. Mr. Guertin requested Council to save time, expense and work of a public referendum and vote to adopt the proposed ordinance.

Ben Andrews, residing at 400 Woodlawn Avenue, member of the petitioners' committee, stated he believed Council should approve the proposed petition amendment to reflect their commitment to downtown. Stating that the Landmark Company was interested in participating in residential/retail development, Mr. Andrews stated that approval of the ordinance might reopen plans to build Bellemeade Village, a mixed-use development in the northwest section; he stated this development would benefit City revitalization efforts and provide better amenities for residents and people who worked downtown.

Mildred Stout, residing in the Fisher Park Area and member of the petitioners' committee, spoke to what she believed was a lack of adequate parking to accommodate a baseball stadium and offered personal comments about the Greensboro Department of Transportation's inclusion of private parking spaces in their parking study. Ms. Stout stated that, in her opinion, the study overestimated the available parking and assumed these private parking spaces would be available for the stadium's patrons and were not being used by the business owners during stadium operation.

Wayne White, residing at 708 Simpson Street in the Fisher Park Neighborhood and a member of the petitioners' committee, offered his personal opinion and statistical information with regard to what he believed would be the financial loss to Greensboro taxpayers if a stadium were built; i.e., closing Lindsay Street, traffic reconfigurations, new bus lines, loss of revenue from the Maple Street site and the proposed Bellemeade Village, etc. Discussion was held with regard to the source of Mr. White's estimates.

Ann Stringfield, residing at 1005 North Eugene Street, stated she believed the stadium offered no economic benefits to the downtown area and believed that the City would benefit from populating, taxable development at Bellemeade. She offered her personal opinions with respect to the purpose of the financial participation of private investors in the downtown area.

The following individuals spoke in opposition and requested Council to vote against the proposed ordinance:

Shirley Frye, residing at 1401 South Benbow Road, and Chair of the Center City Master Plan Implementation Steering Committee, spoke to the positive energy being generated by this group into downtown

Greensboro. She spoke to efforts to bring additional/better jobs to downtown; spoke to the millions of dollars of private investments in proposed, ongoing and completed renovation efforts in downtown; and stated she believed adoption of the proposed ordinance would be a reverse to progress made to the Central Business District.

Greg Chabon, residing at 507 South Lindell Road in Fisher Park, stated he believed adoption of the ordinance to ban a stadium in the Central Business District would devalue the downtown area and was bad public policy; he stated he believed a flexible zoning pattern was good for downtown development. Noting information had been provided to Council with regard to the petition, Mr. Chabon spoke to the millions of private, economic development dollars that had been invested in downtown and noted the small percentage of Greensboro voters represented in the petition. He detailed the language contained in the petition and stated he believed it was difficult for citizens to discern what they thought they were signing. He asked that Council reject the petition based on the wording contained thereon.

Noting that his company had been located in the downtown area since the 1940's, Chester Brown, Jr., 440 West Market Street, spoke to his current investment in the Central Business District, and spoke to the plan for the development of downtown as a job hub with entertainment, housing, etc.,

Milton Kern, residing at 5500 Old Brandt Trace, a developer in the downtown area, spoke to his investment of millions of dollars to purchase and rehabilitate buildings to make Downtown Greensboro what citizens liked about other towns with shops, entertainment, etc. Stating that he believed the baseball stadium would fit well with other downtown development, he stated he didn't understand why there was opposition to a baseball stadium built with private funds.

Leroy Stokes, residing at 4 Oliver Court and owner of a business on South Elm Street, stated he had moved his business to the downtown area to increase his business revenue. He stated he believed the revitalization efforts and the location of a baseball stadium in the downtown area would result in more people and businesses downtown.

Daniel Craft, residing at 1208 Hammel Road, and owner of property in the downtown area, stated he believed the downtown area was a great location for a baseball park. He spoke in support of having mixed uses available in the downtown area; i.e., restaurants, condos and other mixed uses and stated he believed the downtown area should celebrate diversity.

Tim Jones, residing at 1610 Woodridge Avenue, stated he believed baseball was an important major magnet that would attract people downtown; that mixed use zoning was crucial for development and providing additional downtown jobs, etc.; he spoke to future, potential businesses he envisioned around the baseball facility, and stated he believed Greensboro citizens should embrace change and new ideas for downtown.

Nathan Duggins, residing at 212 Country Club Drive, stated he was excited about downtown revitalization and the proposed baseball stadium. He encouraged citizens to embrace changes in the downtown area and requested Council to vote against the ordinance.

Steve Bird, residing at 5026 Bartholomews Lane, stated he had reconsidered plans to leave Greensboro because of what he believed would be a resurrection of downtown; he offered support of the privately-funded baseball stadium which he believed would benefit the downtown area.

Ray Gibbs, President of Downtown Greensboro, Inc., 122 North Elm Street, spoke in favor of the proposed baseball facility, stated that he had seen interest in downtown since the announcement of this project and stated he believed Greensboro would have investment in downtown as a result of the baseball stadium. He also spoke to the importance of flexible zoning in the Central Business District and in support of the current zoning for the stadium.

During the rebuttal period, the following individual spoke in favor of the proposed ordinance:

Bill Burckley, residing at 615 Morehead Avenue, a member of the petitioners committee, detailed the successful petition process, explained the purpose of the petition, requested council to adopt the proposed ordinance at this meeting or send the issue to Greensboro voters, and expressed appreciation for the professionalism of City and County staff who had been involved with petition process. In response to statements about confusion among

citizens who signed the petition, Mr. Burckley stated that citizens were made aware that they could withdraw their names from the petition. He spoke at length to individuals he believed were responsible for past actions that negatively impacted Greensboro who were now involved with the proposed baseball stadium; he stated he supported downtown development without a baseball stadium. The rebuttal period time expired before Mr. Burckley showed a video which began with a picture of Jim Melvin. Some members of Council expressed strong concern with regard to his statements with regard to past actions of unidentified individuals that Mr. Burckley perceived had a negative impact on Greensboro.

During the rebuttal period, the following individuals spoke in opposition to the proposed ordinance:

Greg Chabon, encouraged Council to support what was best for all Greensboro citizens and not adopt the ordinance. Stating that he believed the petition proposal was confusing to citizens because it had contained wording on each page to indicate the petition effort was to save War Memorial Stadium and because some 60 people had their names removed, he asked Council to consider whether the petition was the voice of the people or whether people had been confused with regard to the intent of the petition.

Stating that he did not believe the downtown area was not yet stabilized, Randal Kaplan, with offices at 123 South Elm Street, spoke to his significant investment in the downtown area, stated he believed the baseball stadium played a critical role in the revitalization of Downtown Greensboro, and requested Council to send a message that Council supports private investment in the downtown area to make Greensboro a better place for people and businesses to locate by denying the proposed ordinance.

Councilmember Vaughan moved to close the public hearing. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

The City Attorney responded to inquiries as to the legality of the petition wording and noted the Greensboro Charter had no mention of Council having any right to decide the validity of a petition. The City Attorney noted that after she had discussed her concerns with regard to the petition, including the provision about War Memorial Stadium, with Institute of Government officials in Chapel Hill, NC, they had conducted considerable research with regard to this matter. She stated that the citizens are just required to have substantial compliance, and a liberal interpretation should be given to this issue.

In response to Council inquiries, the City Attorney advised that when placing this matter on a ballot for voter consideration, the exact wording would be used as well as additional wording to explain that the purpose of the ordinance was to not allow a stadium in the downtown for a clear understanding by citizens. She further added that the War Memorial Stadium would not be mentioned. She also clarified what Council was required to consider at this time and advised that if the validity of City staff's opinion were questioned, the matter could be pursued through the Court system.

Council discussed individual concerns and opinions with respect to the proposed ordinance; i.e., the great respect for the system which allowed the petition process for citizens, the difference between a stadium and coliseum, the intent of the ordinance to prohibit a stadium in the Central Business District, the importance of having a flexible zoning pattern in Central Business District for revitalizing the downtown area, the option that some individuals who signed the petition believed incorrectly that they would decide between the baseball stadium and the renovation of the War Memorial Stadium. Further discussion was held with regard to the belief by some members of Council that citizens should decide whether a baseball stadium should be located in the downtown area, and the need for clarity in the campaign and on the voting ballot to ensure that voters understood what they were voting on.

Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was DEFEATED on the following roll call vote: Ayes: None. Noes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan.

(A copy of the ordinance as introduced and DEFEATED is filed in Exhibit Drawer O, Exhibit Number 3, which is hereby referred to and made a part of these minutes.)

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Moving to the Consent Agenda, Councilmember Vaughan moved adoption of the resolutions and ordinance listed on the Consent Agenda. The motion was seconded by Councilmember Phillips; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

22-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2002-01 WITH MAPCO, INC. FOR THE RESURFACING OF STREETS

WHEREAS, Contract No. 2002-01 with MAPCO, Inc. provides for asphalt resurfacing of various street segments throughout the city;

WHEREAS, there has been an increase in the liquid asphalt adjustments paid to suppliers and inaccurate measurements in length and width of street segments, resulting in an over run for the pay item, thereby necessitating a change order in the contract in the amount of \$109,978.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with MAPCO, Inc. for the resurfacing of streets is hereby authorized at a total cost of \$109,978.00, payment of said additional amount to be made from Account No. 202-6001-01.5611.

(Signed) Donald R. Vaughan

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23-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE, UTILITY CONTRACTOR INC. FOR SANITARY SEWER REHABILITATION PROJECT "E" IMPROVEMENTS

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene, Utility Contractor, Inc. provides for sanitary sewer rehabilitation Project "E" improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$250,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene, Utility Contractor, Inc. for the Sanitary Sewer Rehabilitation Project "E" Improvements is hereby authorized at a total cost of \$250,000.00, payment of said additional amount to be made from Account No. 503-7012-01.6017.

(Signed) Donald R. Vaughan

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03-31 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR PARTICIPATION IN THE NORTH CAROLINA JOINT TERRORISM TASK FORCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3578-01.4210	Overtime	\$ 9,127
220-3578-01.4510	FICA Contribution	\$ 153
220-3578-01.4520	Retirement Contribution	<u>\$ 1,290</u>
TOTAL:		\$10,570

and, that this increase be financed by increasing the following State, Federal, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3578-01.7100	Federal Grant	<u>\$10,570</u>
TOTAL:		\$10,570

(Signed) Donald R. Vaughan

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24-03 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-56 WITH ASI RCC, INC. FOR THE LAKE BRANDT DAM RENOVATIONS

WHEREAS, after due notice, bids have been received for the Lake Brandt Dam Renovations Project;

WHEREAS, ASI RCC, Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,228,975.00 as general contractor for Contract No. 2002-56, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by ASI RCC, Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 509-7064-01.6019 CBR 001.

(Signed) Donald R. Vaughan

(A tabulation of bids for the Lake Brandt Dam Renovations is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced a resolution supporting and encouraging the Guilford County Board of Elections to put in place one voting machine in each precinct that is accessible to citizens with disabilities.

Councilmember Perkins reported that he had recently attended a meeting of the Mayor's Council for Persons with Disabilities at which time a policy issue regarding the desire for Guilford County to move forward with these voting machines had been discussed. He stated he believed this was an effort Council should support and had requested the resolution.

After brief discussion, Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

25-03 RESOLUTION SUPPORTING AND ENCOURAGING THE GUILFORD COUNTY BOARD OF ELECTIONS TO PUT IN PLACE ONE VOTING MACHINE IN EACH PRECINCT THAT IS ACCESSIBLE TO CITIZENS WITH DISABILITIES

WHEREAS, The Help America Vote Act of 2002 became a Public Law in October, 2002;

WHEREAS, one of the purposes of this Act is to establish a program to provide funds to States to replace punch card voting systems with a voting system by purchase, lease, or such other arrangement that does not use punch cards or levers; is not inconsistent with the requirements of the laws described in Section 906, and meets the requirements of Section 301 of this Act;

WHEREAS, Guilford County Board of Elections currently uses touch screen electronic machines;

WHEREAS, to be eligible for reimbursement, a State shall ensure that one of the existing machine systems currently being used in the qualifying precincts within the State be replaced with a machine that is accessible to citizens with disabilities in time for the regularly scheduled general election for Federal office to be held in November, 2004;

WHEREAS, in order to ensure all citizens of Greensboro and Guilford County have the capability to vote, the City Council of the City of Greensboro encourages accessible voting machines be in place for any elections in 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, it supports and encourages the Guilford County Board of Elections to put in place a voting machine that is accessible to citizens with disabilities for the 2003 elections.

(Signed) Yvonne J. Johnson

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The Mayor introduced a resolution authorizing change order in Contract No. 2001-16 with John S. Clark Company, Inc. for the Multi-Modal Transportation Center.

After Councilmember Phillips reiterated his concerns with respect to the overall cost of this facility, Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Vaughan. Noes: Phillips.

26-03 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-16 WITH JOHN S. CLARK COMPANY, INC. FOR THE MULTI-MODAL TRANSPORTATION CENTER

WHEREAS, Contract No. 2001-16 with John S. Clark Company, Inc. provides for general construction for the renovation, construction and necessary site work for the Multi-Modal Transportation Center located at 236 East Washington Street;

WHEREAS, the need for corrective measures needed for discovered concealed conditions in the buildings, several site and structure improvements, and measures to deal with the control of the groundwater conditions are now necessary, thereby necessitating a change order in the contract in the amount of \$128,684.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with John S. Clark Company, Inc. for the additional site work is hereby authorized at a total cost of \$128,684.00, payment of said additional amount to be made from Account No. 566-4513-01.6013 (CBR#001).

(Signed) Florence F. Gatten

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Mayor Holliday introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title:

RESOLUTION AMENDING A RESOLUTION ENTITLED:
“RESOLUTION PROVIDING FOR THE ISSUANCE OF
\$50,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT
BONDS” TO MAKE CERTAIN CHANGES REQUESTED BY BOND
RATING AGENCIES AND TO MAKE CERTAIN OTHER MINOR CHANGES

WHEREAS, on January 7, 2003, the City Council of the City of Greensboro, North Carolina (the “City Council”) duly passed a resolution entitled “RESOLUTION PROVIDING FOR THE ISSUANCE OF \$50,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS” (the “Resolution”); and

WHEREAS, the rating agencies that rate the City’s general obligation bonds have requested that certain changes be made in the Resolution, particularly in connection with the issuance of the Series 2003B Bonds (as defined in the Resolution); and

WHEREAS, it is necessary to amend the Resolution to effect such changes and to make certain other minor changes; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. The definition of the term “Available Moneys” in Section 101 of the Resolution is hereby amended to read as follows:

“‘Available Moneys’ means (i) moneys which have been paid to the Tender Agent by the Issuer and have been on deposit with the Tender Agent for at least 124 days during and prior to which no Event of Bankruptcy shall have occurred, (ii) any other moneys if, in the opinion of nationally recognized counsel experienced in bankruptcy matters (which opinion shall be acceptable to each Rating Agency then rating the Series 2003B Bonds), the application of such moneys will not constitute a voidable preference in the event of the occurrence of an Event of Bankruptcy, and (iii) investment earnings on any of the moneys described in clauses (i) and (ii) of this definition.”

Section 2. The definition of the term “Business Day” in Section 101 of the Resolution is hereby amended to read as follows:

“‘Business Day’ means any day other than (i) a Saturday, a Sunday or any other day on which banks located in the cities in which the office of the Paying Agent for the Series 2003A Bonds, the principal corporate trust office of the Paying Agent for the Series 2003B Bonds and the Principal Offices of the Tender Agent and the Remarketing Agent are located or in which the office of the Bank from which payments are made pursuant to the Liquidity Facility is located, are authorized or required to remain closed or (ii) a day on which the New York Stock Exchange is closed.”

Section 3. Section 101 of the Resolution is hereby amended by adding, after the definition of “Rating Agency” and before the definition of “Record Date”, the following definition

“‘Rating Confirmation Notice’ means a written notice from each Rating Agency then rating the Series 2003B Bonds confirming that the ratings on the Series 2003B Bonds will not be lowered or withdrawn (other than a withdrawal of a short-term rating upon an adjustment of the interest rate on the Series 2003B Bonds to a Long-Term Interest Rate to their respective maturity dates) solely as a result of the action proposed to be taken.”

Section 4. Section 202 of the Resolution is hereby amended by changing the first sentence of the third paragraph of the Form of Series 2003A Bonds set forth therein to read as follows:

“This Bond is one of an issue of bonds designated “General Obligation Public Improvement Bonds, Series 2003” (the “Bonds”) and issued by the Issuer for the purpose of providing funds, with any other available funds, for acquiring, constructing, enlarging and improving certain public facilities for the Issuer and effectuating certain public purposes of the Issuer, and this Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, orders duly adopted by the City Council for the Issuer, each of which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held or has otherwise taken effect, and a resolution duly passed by said City Council on January 7, 2003, as amended on February 4, 2003 (the “Resolution”).”

Section 5. Section 202 of the Resolution is hereby further amended by changing the Certificate of Local Government Commission contained in the Form of Series 2003A Bonds and Form of Series 2003B Bonds set forth therein to read as follows:

“CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within Bond has been approved under the provisions of The Local Government Bond Act of North Carolina

Interim Secretary, Local Government Commission”.

Section 6. Section 202 of the Resolution is hereby further amended by changing the first sentence of the third paragraph of the Form of Series 2003B Bonds set forth therein to read as follows:

“This Bond is one of an issue of bonds designated “General Obligation Public Improvement Bonds, Series 2003” (the “Bonds”) and issued by the Issuer for the purpose of providing funds, with any other available funds, for acquiring, constructing, enlarging and improving certain public facilities for the Issuer and effectuating certain public purposes of the Issuer, and this Bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, orders duly adopted by the City Council for the Issuer, each of which was approved by the vote of a majority of the qualified voters of the Issuer who voted thereon at a referendum duly called and held or has otherwise taken effect, and a resolution duly passed by said City Council on January 7, 2003, as amended on February 4, 2003 (the “Resolution”).”

Section 7. Section 202 of the Resolution is hereby further amended by changing the third sentence of the fourth paragraph of the Form of Series 2003B Bonds set forth therein to read as follows:

“Under the Standby Agreement, the Bank has agreed, subject to the terms and conditions contained therein, to make funds available in an amount sufficient to pay (i) the portion of the purchase price corresponding to the principal of such Series 2003B Bonds and (ii)

while such Series 2003B Bonds bear interest at a Weekly Rate, the portion of the purchase price of such Series 2003B Bonds corresponding to accrued interest thereon for a period not to exceed thirty-five (35) days at the maximum rate of 12% per annum and, upon any conversion of such Series 2003B Bonds from one Interest Rate Period to any other Interest Rate Period, the applicable Liquidity Facility shall provide for an amount as shall be determined to be necessary to pay such interest portion of the purchase price in order for the Issuer to obtain a Rating Confirmation Notice (as defined in the Resolution).”

Section 8. Section 202 of the Resolution is hereby further amended by changing the paragraph captioned “Mandatory Tender for Purchase Upon Cancellation, Termination, Expiration or Substitution of Liquidity Facility” in the Form of Series 2003B Bonds set forth therein to read as follows:

“Notwithstanding anything in this paragraph to the contrary, in the event that in connection with any such cancellation, termination or expiration of an existing Liquidity Facility and substitution therefor by a Substitute Liquidity Facility, the Issuer delivers to the Tender Agent, the Paying Agent and the Remarketing Agent, prior to the date that notice of such cancellation, termination or expiration and substitution is required to be given by the Tender Agent as provided in the Resolution, a Rating Confirmation Notice (as defined in the Resolution), the Series 2003B Bonds will not be subject to mandatory tender for purchase as provided in this paragraph solely as a result of such cancellation, termination or expiration and substitution.”

Section 9. Section 202 of the Resolution is hereby further amended by changing the first sentence of the paragraph captioned “Insufficient Funds for Purchase; Loss of Liquidity” in the Form of Series 2003B Bonds set forth therein to read as follows:

“If the funds available for the purchase of Series 2003B Bonds are insufficient for the purchase of all Series 2003B Bonds tendered or deemed tendered on any purchase date (a “Failed Purchase Date”) or an Authorized Liquidity Termination shall have occurred, all Series 2003B Bonds shall bear interest from such Failed Purchase Date or the date of such Authorized Liquidity Termination, whichever is applicable, to the date that is 75 days thereafter or, if earlier, the date that the Issuer purchases or causes the purchase of all Series 2003B Bonds, at a rate equal to a floating rate per annum equal to 70% of the interest rate on 30-day high grade unsecured commercial paper notes sold through dealers by major corporations, as reported in The Wall Street Journal on the Tuesday preceding the Failed Purchase Date or date of the Authorized Liquidity Termination, as the case may be, and on each Tuesday thereafter, or the next succeeding Business Day if any such Tuesday is not a Business Day, plus 300 basis points (3%), and, if the Issuer has not purchased or caused to be purchased the Series 2003B Bonds by the date that is 75 days after the Failed Purchase Date or date of the Authorized Liquidity Termination, then, commencing on the next day and continuing until such Series 2003B Bonds are purchased, the Series 2003B Bonds shall bear interest at a rate per annum equal to The Bond Buyer 20-Bond Index (as most recently determined prior to such date), or if such Index is no longer published, any comparable index, plus 150 basis points (1.5%), but in no event to exceed 12% per annum, and shall no longer be subject to optional or mandatory tender for purchase (except upon conversion to a Long-Term Interest Rate to their respective maturities); and the Tender Agent shall immediately: (i) return all such tendered or deemed tendered Series 2003B Bonds to the Owners thereof; (ii) return all money received for the purchase of such Series 2003B Bonds to the persons providing such money; and (iii) give written notice to all such Owners.”

Section 10. Section 204 of the Resolution is hereby amended by changing the second paragraph thereof to read as follows:

“The certificate of the Commission to be endorsed on all Bonds shall bear the manual or facsimile signature of the Interim Secretary of the Commission or her designated assistant and the certificate of authentication of the Paying Agent to be endorsed on all Bonds shall be executed as provided hereinafter.”

Section 11. Section 205(e)(iii) of the Resolution is hereby amended by changing the second sentence thereof to read as follows:

“Such notice shall state: (1) that the interest rate on the Series 2003B Bonds shall be adjusted to, or continue to be, a Long-Term Interest Rate unless (x) Bond Counsel shall have failed to deliver to the Issuer, the Paying Agent, the Bank and the Remarketing Agent a Favorable Opinion of Bond Counsel as to such adjustment in the Interest Rate Period on the effective date of such adjustment or (y) the Issuer shall have failed to deliver to the Paying Agent, the Bank and the Remarketing Agent a Rating Confirmation Notice on the effective date of such adjustment or (z) the Issuer shall elect, on or prior to the date of determination of such Long-Term Interest Rate, to rescind its election to cause the adjustment of the interest rate on the Series 2003B Bonds to a Long-Term Interest Rate, in which case the Series 2003B Bonds, if being adjusted from a Weekly Interest Rate Period or a Short-Term Interest Rate Period shall continue to bear interest at a Weekly Interest Rate or Bond Interest Term Rates as in effect immediately prior to such proposed adjustment in the Interest Rate Period, or if the Series 2003B Bonds are being adjusted from a Long-Term Interest Rate Period, the Series 2003B Bonds shall be adjusted to bear interest at a Weekly Interest Rate, (2) the effective date and the last day of such Long-Term Interest Rate Period and (3) that the Series 2003B Bonds are subject to mandatory tender for purchase on such effective date and the purchase price applicable thereto.”

Section 12. Section 205(f)(iii) of the Resolution is hereby amended by changing the second sentence thereof to read as follows:

“Such notice shall state (1) that the Series 2003B Bonds shall bear interest at Bond Interest Term Rates unless, on the effective date of such adjustment in the Interest Rate Period, Bond Counsel shall have failed to deliver to the Issuer, the Paying Agent, the Bank and the Remarketing Agent a Favorable Opinion of Bond Counsel as to such adjustment or the Issuer shall have failed to deliver to the Paying Agent, the Bank and the Remarketing Agent a Rating Confirmation Notice, in which case the Series 2003B Bonds, if being adjusted from a Weekly Interest Rate Period, shall continue to bear interest at a Weekly Interest Rate as in effect immediately prior to such proposed adjustment in the Interest Rate Period, or if the Series 2003B Bonds are being adjusted from a Long-Term Interest Rate Period, the Series 2003B Bonds shall be adjusted to bear interest at a Weekly Interest Rate, and that during such Short-Term Interest Rate Period, each Series 2003B Bond will have one or more consecutive Bond Interest Terms during each of which such Series 2003B Bond will bear a Bond Interest Term Rate, (2) the effective date of such Short-Term Interest Rate Period, (3) that the Series 2003B Bonds are subject to mandatory tender for purchase on the effective date of such Short-Term Interest Rate Period and shall set forth the applicable purchase price and (4) that a Bond Interest Term and a Bond Interest Term Rate for each Series 2003B Bond will be determined not later than the first day of such Bond Interest Term.”

Section 13. Section 205(j) of the Resolution is hereby amended to read as follows:

“Notwithstanding anything in this Section 205 to the contrary, in connection with any adjustment of the Interest Rate Period on the Series 2003B Bonds, the Issuer shall, on the effective date of such adjustment, cause to be provided to the Paying Agent, the Bank and the Remarketing Agent a Rating Confirmation Notice and a Favorable Opinion of Bond Counsel. In the event that Bond Counsel shall have failed to deliver a

Favorable Opinion of Bond Counsel or the Issuer shall have failed to deliver a Rating Confirmation Notice on any such date, then the Interest Rate Period on the Series 2003B Bonds shall not be adjusted, and the Series 2003B Bonds shall continue to bear interest at a Weekly Interest Rate or Bond Interest Term Rates, as the case may be, as in effect immediately prior to such proposed adjustment in the Interest Rate Period; provided, however, that in the event that the Series 2003B Bonds are being adjusted from a Long-Term Interest Rate Period, and Bond Counsel shall have failed to deliver such Favorable Opinion of Bond Counsel or the Issuer shall have failed to deliver a Rating Confirmation Notice on the effective date of such adjustment, then the Series 2003B Bonds nevertheless shall be adjusted to bear interest at a Weekly Interest Rate as provided in Section 205(d) hereof. In any event, if notice of such adjustment has been mailed to the Owners of the Series 2003B Bonds as provided in Section 205 and Bond Counsel shall have failed to deliver a Favorable Opinion of Bond Counsel or the Issuer shall have failed to deliver a Rating Confirmation Notice on the effective date as herein described, the Series 2003B Bonds shall continue to be subject to mandatory purchase on the date which would have been the effective date of such adjustment as provided in Section 206 hereof.”

Section 14. The caption of Section 206(d) of the Resolution is hereby amended by inserting the words “and Substitution” after the word “Termination” and before the word “of”.

Section 15. Section 206(d) of the Resolution is hereby amended by changing the last paragraph thereof to read as follows:

“Notwithstanding anything in this Section 206(d) to the contrary, in the event that in connection with any such cancellation, termination or expiration of an existing Liquidity Facility and replacement thereof by a Substitute Liquidity Facility, the Issuer shall deliver to the Paying Agent, the Tender Agent and the Remarketing Agent, prior to the date that notice of such cancellation, termination or expiration and substitution is given by the Paying Agent as provided in Section 207(f) hereof, a Rating Confirmation Notice, then the Series 2003B Bonds shall not be subject to mandatory tender for purchase as provided in this Section 206(d) solely as a result of such cancellation, termination or expiration and substitution.”

Section 16. Section 206(e) of the Resolution is hereby amended by changing the first paragraph thereof to read as follows:

“In connection with any mandatory tender for purchase of Series 2003B Bonds in accordance with Section 206(c) or 206(d) hereof, the Paying Agent shall, unless the last paragraph of Section 206(d) hereof shall be applicable, give notice of a mandatory tender for purchase as a part of the notice given pursuant to Section 205(d)(iii), 205(e)(iii), 205(f)(iii) or 207(f) hereof. Such notice shall state (A) in the case of a mandatory tender for purchase pursuant to Section 206(c) hereof, the type of Interest Rate Period to commence on such mandatory purchase date; (B) in the case of a mandatory tender for purchase pursuant to Sections 206(d) and 207 hereof, that the Liquidity Facility will expire, be cancelled, be substituted for or terminate and that the Series 2003B Bonds shall no longer be subject to purchase from the Liquidity Facility then in effect and that any rating applicable thereto may be reduced or withdrawn; (C) that the purchase price of any Series 2003B Bond so subject to mandatory purchase shall be payable only upon surrender of such Series 2003B Bond to the Tender Agent at its Principal Office for delivery of Series 2003B Bonds, accompanied by an instrument of transfer thereof, in form satisfactory to the Tender Agent, executed in blank by the Owner thereof or his duly-authorized attorney, with such signature guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program; (D) that all Series 2003B Bonds so subject to mandatory tender for purchase shall be purchased on the mandatory purchase date, and that if the Owner of a Series

2003B Bond subject to mandatory tender for purchase shall not surrender such Series 2003B Bond to the Tender Agent for purchase on such mandatory purchase date, then such Series 2003B Bond shall be deemed to be an Undelivered Bond, and that no interest shall accrue thereon on and after such mandatory purchase date and that the Owner thereof shall have no rights under this Resolution other than to receive payment of the purchase price thereof.”

Section 17. Section 206(h) of the Resolution is hereby amended by changing the first sentence thereof to read as follows:

“If the funds available for the purchase of Series 2003B Bonds are insufficient for the purchase of all Series 2003B Bonds tendered or deemed tendered on any purchase date (a “Failed Purchase Date”) or an Authorized Liquidity Termination shall have occurred, all Series 2003B Bonds shall bear interest from such Failed Purchase Date or the date of such Authorized Liquidity Termination, whichever is applicable, to the date that is 75 days thereafter or, if earlier, the date that the Issuer purchases or causes the purchase of all Series 2003B Bonds, at a rate equal to a floating rate per annum equal to 70% of the interest rate on 30-day high grade unsecured commercial paper notes sold through dealers by major corporations, as reported in The Wall Street Journal on the Tuesday preceding the Failed Purchase Date or date of the Authorized Liquidity Termination, as the case may be, and on each Tuesday thereafter, or the next succeeding Business Day if any such Tuesday is not a Business Day, plus 300 basis points (3%), and, if the Issuer has not purchased or caused to be purchased the Series 2003B Bonds by the date that is 75 days after the Failed Purchase Date or date of the Authorized Liquidity Termination, then, commencing on the next day and continuing until such Series 2003B Bonds are purchased, the Series 2003B Bonds shall bear interest at a rate per annum equal to The Bond Buyer 20-Bond Index (as most recently determined prior to such date), or if such Index is no longer published, any comparable index, plus 150 basis points (1.5%), but in no event to exceed 12% per annum, and shall no longer be subject to optional or mandatory tender for purchase (except upon conversion to a Long-Term Interest Rate to their respective maturities); and the Tender Agent shall immediately: (i) return all such tendered or deemed tendered Series 2003B Bonds to the Owners thereof; (ii) return all money received for the purchase of such Series 2003B Bonds to the persons providing such money; and (iii) give written notice to all such Owners substantially in the form attached hereto as Exhibit A.”

Section 18. Section 207(a)(ii) of the Resolution is hereby amended to read as follows:

“(ii) while such Series 2003B Bonds bear interest at a Weekly Rate, an amount equal to the interest on such Series 2003B Bonds for thirty-five (35) days computed at the rate of 12% per annum, to pay the portion of the purchase price of such Series 2003B Bonds equal to interest on such Series 2003B Bonds delivered or required to be delivered to the Tender Agent for purchase and, if the Series 2003B Bonds are converted to bear interest at Bond Interest Term Rates or a Long-Term Rate, an amount as shall be determined to be necessary to provide for the payment pursuant to the applicable Liquidity Facility of such interest portion of such purchase price in order to obtain a Rating Confirmation Notice.”

Section 19. Section 207(f) of the Resolution is hereby amended to read as follows:

“The Paying Agent shall give notice by mail to the Owners of the Series 2003B Bonds then subject to purchase from the Liquidity Facility on or before the 20th day preceding the expiration of any Liquidity Facility in accordance with its terms, or any termination or replacement of the Liquidity Facility which will cause the Series 2003B Bonds to cease to be subject to purchase from the Liquidity Facility (except upon the

occurrence of an Authorized Liquidity Termination in which case notice will be given as described in Section 206(e)(iii) hereof), which notice shall, to the extent applicable, (1) describe generally the Substitute Liquidity Facility in effect or to be in effect upon such replacement, termination or expiration, (2) state the date of such replacement, termination or proposed substitution of the Substitute Liquidity Facility, (3) describe any termination of the Liquidity Facility and the effective date thereof, (4) specify the ratings, if any, to be applicable to Series 2003B Bonds after such replacement, termination or expiration of the Liquidity Facility or state that no ratings have been obtained with respect to the Series 2003B Bonds for the period subsequent to such replacement, termination or expiration of the Liquidity Facility, and (5) unless the Liquidity Facility will be replaced by a Substitute Liquidity Facility in respect of such Series 2003B Bonds as described in the last paragraph of Section 206(d) hereof, state (A) that the Series 2003B Bonds will be purchased pursuant to Section 206(d) and (B) the date of such purchase, which date shall be a Business Day that is not less than ten days after the giving of such notice and at least five days prior to such expiration or termination. The Issuer will give the Tender Agent and the Paying Agent written notification of any termination or replacement of the Liquidity Facility as soon as practicable after receiving knowledge thereof. The Issuer shall provide the Tender Agent and the Paying Agent with written notice of any information required to enable the Paying Agent to give the foregoing notice and shall provide the Paying Agent with the form of such notice; provided, however, that in the event the Issuer shall fail to provide such notice, the Tender Agent shall provide such notice to the Paying Agent.”

Section 20. The Resolution is hereby further amended by adding thereto the following section:

“Section 307. Notice to Bank. The Paying Agent shall promptly deliver to the Bank prompt written notice when none of the Series 2003B Bonds are outstanding under this Resolution.”

Section 21. Section 403(b) of the Resolution is hereby amended by changing the first sentence thereof to read as follows:

“Series 2003B Bonds required to be purchased in accordance with Section 206 hereof shall be purchased from the Owners thereof by 4:00 P.M., on the date and at the purchase price at which such Series 2003B Bonds are required to be purchased.”

Section 22. Section 404(a) of the Resolution is hereby amended by changing the first sentence thereof to read as follows:

“Upon receipt of notice of the tender for purchase of Series 2003B Bonds, the Remarketing Agent shall offer for sale and use its best efforts to sell such Series 2003B Bonds, any such sale to be made on the date of such purchase in accordance with Section 206 at a price equal to the principal amount thereof plus accrued interest, if any; provided, however, that no Series 2003B Bonds shall be remarketed to the County, the Corporation or any entity controlled by either of them.”

Section 23. Section 604 of the Resolution is hereby amended by changing the notice address of Fitch Ratings to read as follows:

“Fitch Ratings
One State Street Plaza
New York, New York 10004
Attention: Public Finance Department/Municipal Structured Finance”.

Section 24. Section 609 of the Resolution is hereby amended to read as follows:

“Fitch, Moody’s and S&P shall receive notice from the Paying Agent of the following items: any change of the Paying Agent, the Tender Agent or the Remarketing Agent, any supplement or amendment to this Resolution, the Liquidity Facility, the Remarketing Agreement, the Tender Agreement or the Series 2003B Bonds, any expiration, substitution, termination or renewal of the Liquidity Facility, any conversion from one Interest Rate Period to another and any mandatory tender, redemption or defeasance of Series 2003B Bonds.”

Section 25. This resolution shall take effect immediately upon its passage.

Thereupon the City Attorney stated that she had approved said resolution as to form.

Upon motion of Councilmember Florence F. Gatten, seconded by Councilmember Thomas M. Phillips, the resolution entitled: “RESOLUTION AMENDING A RESOLUTION ENTITLED: ‘RESOLUTION PROVIDING FOR THE ISSUANCE OF \$50,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS’ TO MAKE CERTAIN CHANGES REQUESTED BY BOND RATING AGENCIES AND TO MAKE CERTAIN OTHER MINOR CHANGES” was passed on roll call vote as follows:

Ayes: Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Keith A. Holliday, Belvin J. Jessup, Yvonne, J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan.

Noes: None.

The Mayor thereupon announced that the resolution entitled: “RESOLUTION AMENDING A RESOLUTION ENTITLED: ‘RESOLUTION PROVIDING FOR THE ISSUANCE OF \$50,000,000 GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS’ TO MAKE CERTAIN CHANGES REQUESTED BY BOND RATING AGENCIES AND TO MAKE CERTAIN OTHER MINOR CHANGES” had passed by a vote of 9 to 0.

* * * * *

Mayor Holliday introduced an ordinance amending in the amount of \$23,700,000 the Fiscal Year 2002-03 Debt Service Fund Budget.

After brief comments by the City Manager, Councilmember Carmany moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-32 ORDINANCE AMENDING FY 02-03 ANNUAL BUDGET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 02-03 Debt Service Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriations for the Debt Service Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
301-1004-01.5831	Bond Issue Expense	\$95,000
301-1004-01.5821	Accrued Interest	40,000
301-1004-01.5899	Payment to Escrow Trustee	<u>23,565,000</u>
Total		\$23,700,000

And, that this amendment is to be financed by the following revenue:

<u>Account</u>	<u>Description</u>	<u>Account</u>
301-1004-01.9004	Refunding Bond Proceeds	\$22,820,000
301-1004-01.8510	Accrued Interest	40,000
301-1004-01.9001	Premium	<u>840,000</u>
Total		\$23,700,000

(Signed) Sandy Carmany

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Lutie Graham, residing at 204 Leftwich Street, noted problems in this block with regard to parking, speeding traffic and the manner in which the parking problems had impacted the solid waste pickup for residents. She offered her personal thoughts with regard to solutions to existing parking problems. The City Manager advised that because the concerns involved multiple City departments, Assistant City Manager Mitchell Johnson would coordinate efforts to investigate and address Ms. Graham's concerns.

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David Wharton, residing at 667 Percy Street and representing the Aycock Neighborhood Association, provided an update with regard to the Aycock Master Plan and to plans to improve the appearance of specific areas and expressed appreciation for contributions by City staff in working with the neighborhood. He spoke to their support of an ordinance that would allow demolition by neglect and stated if the ordinance were funded, it would provide money to improve historic districts and they would ask for continued support during upcoming budget discussions. After Council discussion with regard to the source of funding for a demolition by neglect ordinance, Councilmember Gatten noted that during a recent budget work session, she had requested that Council consider these funds as a separate line item in the budget.

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Ben Holder, no address provided, expressed concern about ongoing problems with illegal activities at certain businesses in the Randleman Road area; he offered his personal opinions as to the manner in which the City should address these issues. He presented completed Local Ordinance Enforcement "Petition requesting Housing Inspection" forms purportedly signed by individuals requesting the inspection of property in the area.

Butch Simmons, Interim Director for the Engineering and Inspections Department, detailed the manner in which routine inspections are conducted by the department and spoke to the most recent area inspections.

After some members of Council discussed with the City Attorney the feasibility of the District Attorney invoking the nuisance provision to address problems with some area businesses, Councilmember Vaughan spoke to the combined law enforcement's efforts involved with this process and noted the District Attorney's office was already at work in this area.

The Mayor stated these concerns had been discussed by Council and that staff was working to develop solutions and strategies to solve these problems.

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Members of Council shared information with regard to various meetings, events and activities of interest and expressed appreciation to City staff that had provided assistance in addressing concerns and problems in the community.

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Councilmember Johnson added the name of Beth Howard to the boards and commissions data bank for consideration for future service on the Commission on the Status of Women.

Councilmember Johnson briefly spoke to the recent loss of American astronauts aboard the *Columbia* Space Shuttle.

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After Councilmember Vaughan read into the minutes the names and respective board/commission members who were eligible for reappointment, Councilmember Gatten moved that they be reappointed to serve an additional term. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council. The reappointments are as follows:

- Alvin Tonkins and Craig Williams, Electrical Examiners Board--terms will expire 15 August 05;
- Eric Crouch, Firemen's Relief Fund Board--term will expire 15 August 05;
- Joseph Daniels, Community Television Board (GCTV)—term will expire 1 July 2005;
- Charles Smith, Heating Examining Board—term will expire 15 August 05;
- William R. Fuller and Beth McKee-Huger, Minimum Housing Standards Commission—terms will expire 15 August 05;
- William R. Benjamin, Redevelopment Commission—term will expire 17 December 07;
- Lonnie Cunningham, Greensboro Transit Authority—term will expire 15 August 05;
- Karen Neill and Emilie Sandine, Advisory Commission on Trees—terms will expire 15 August 05; and
- Joyce Fairley, Commission on the Status of Women—term will expire 15 August 05.

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Councilmember Jessup added the name of George Durham to the boards and commissions data bank for consideration for future service on the Zoning Commission.

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Councilmember Phillips requested the Legal Department staff to review the noise ordinance to determine if an amendment could be made to permit the use of generators during emergency power outages.

Speaking to Joanne Schluginhaufen's service on the ABC Board, Councilmember Phillips stated her term had expired in 2001; however, Council had permitted her to serve an additional year, until July 2002, to complete her service on the National Board. Stating that he believed Ms. Schlauginhaufen should be replaced on that board, he moved that Jesse L. Warren be appointed to serve the remainder of the current term; this term will expire 3 July 04. The motion was seconded by Councilmember Perkins.

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Councilmember Johnson left the Chamber at approximately 9:45 p. m.

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After Councilmember Vaughan noted that Ms. Schluginhaufen was currently serving on the National Board, he mentioned that Greensboro had benefited from her service at the national level. Mayor Holliday stated that he would explore the feasibility of allowing Ms. Schluginhaufen to serve in an ex-officio position to enable her to continue her national service.

The motion to appoint Mr. Warren was thereupon adopted by voice vote of Council, with Councilmember Johnson voting yes in absentia as provided for by law.

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Councilmember Perkins moved that Nancy Vaughan be appointed to serve a term on the Airport Authority in the position currently held by Bill Armfield. After some discussion with regard to Mr. Armfield's current status and the fact that neither the Mayor nor the City Clerk had received a written resignation letter from Mr. Armfield, Councilmember Perkins moved that Ms. Vaughan's appointment begin upon Mr. Armfield's resignation or completion of term on the Authority. The motion was seconded by Councilmember Gatten.

At the request of Councilmember Vaughan, with concurrence by the City Attorney, Councilmember Burroughs-White moved that Councilmember Vaughan be excused from voting on this appointment due to a possible conflict of interest because Nancy Vaughan is his wife. The motion was seconded by Councilmember Jessup and adopted by voice vote of Council. The motion to appoint Ms. Vaughan was thereupon adopted by voice vote of Council with Councilmember Vaughan abstaining due to a possible conflict of interest.

Councilmember Johnson re-entered the Chamber at approximately 9:55 p.m. during the above discussion.

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Some members of Council discussed with Assistant City Manager Mitchell Johnson the status of Barber Park improvements and whether it would be feasible to adjust plans for the Park at this stage of the process to expand the building to provide additional space for tennis courts, as requested by a number of citizens. Speaking to the bid process for this project, Assistant City Manager Johnson advised changes at this time would delay the project for several months; he discussed what he believed to be the appropriate time to make changes, if necessary, and emphasized that any additional expansions would increase the cost of the overall project.

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After brief discussion in response to a letter Councilmember Perkins had received from Guilford County Commissioner Linda Shaw, Council agreed they were not interested in building a complex on a site at Eugene and Lee Street and then leasing or selling the Melvin Municipal Office Building to the County.

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The Mayor noted that the Guilford County Legislative Delegation would hold a public meeting in the Council Chambers at 6:00 p.m. on February 27, 2003; he suggested that Council might wish to attend the meeting and address the Delegation.

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Councilmember Vaughan moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 10:14 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
